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APPLICATION N	io. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/684,184 10/06/20		10/06/2000	Ping Fu	9220-3	3390	
116	7590	02/23/2005		EXAM	EXAMINER	
PEARN	E & GORD	ON LLP	LEE, DOU	LEE, DOUGLAS S		
1801 EAS	ST 9TH STR	EET				
SUITE 1200				ART UNIT	PAPER NUMBER	
CLEVELAND, OH 44114-3108				2125		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/684,184	FU ET AL.				
Office Action Summary	Examiner	Art Unit				
	Douglas S Lee	2125				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	_•					
2a) This action is FINAL . 2b) ⊠ This	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) ☐ Claim(s) 1-80 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-80 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.	·				
Application Papers	,					
9) The specification is objected to by the Examine 10) The drawing(s) filed on <u>06 October 2000</u> is/are: Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	a) accepted or b) objected or b) objected drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	4) ☐ Interview Summary Paper No(s)/Mail Da 5) ☐ Notice of Informal P					
Paper No(s)/Mail Date <u>4, 6-8, 10-17</u> .	6) Other:	•				

Art Unit: 2125

DETAILED ACTION

Claim Objections

Claims 7, 25, 27, 30, 39, 61, 62, 63, 64, 65, 67, 68, 69, 70,71, 72, 73, 74, 75, 77, and 78 are objected to because of the following informalities: In claims, 7 --a-- plurality should be changed to the plurality; in claim 25, --a-- vent should be changed to the vent; in claim 27, --a-- watertight should be changed to the watertight; in claim 30, --a— hearing—aid vent should be changed to the hearing—aid vent; in claim 39, --a-- hearing—aid shell should be changed to the hearing—aid shell; in claims 61-75 and 77-78, --a-- hearing—aid shell should be changed to the hearing—aid shell; Appropriate correction is required.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 5-10, the examiner cannot ascertain what said nonuniformly thickening step refers to claim 1 or claim 3. Furthermore what is the normalized adjusted normal means in claim 7.

Page 3

Double Patenting

4. Claims 1-80 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 37-116 of copending Application No. 10/162,434. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749 or via e-mail addressed to [leo.picard@uspto.gov]. The fax number for this Group is (703) 872-9306. Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [doug.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Douglas Lee

2/10/2005

LEO PICARD SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100

J- P. P.